

REMARKS

1. Claims 1-7 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-7 of co-pending Application Serial No. 10/458,574 ('574) in view of Hayashi ('941).

Amended independent Claims 1 and 7 of the instant application are clearly distinguishable over the cited references. Application '574 does not claim:

a. The rolling rollers can move not only upstream from downstream along the food dough belt, but also downstream from upstream.

b. When the first rolling member moves sequentially upstream from downstream, the respective rolling rollers are controlled so as to be rotated in the reverse direction of the rotation of the second rolling member, and

when the first rolling member moves sequentially downstream from upstream, the respective rolling rollers are controlled so as to be rotated in the same direction as the rotation of the second rolling member.

c. The speed of the rotation of the rolling rollers can be controlled independently from the speed of the movement of the rolling members.

Additionally, Patent No. '941 does not teach or disclose that the rolling rollers of the first rolling member can move in an endless orbit.

2. Claims 1-2 and 5-7 were rejected under § 102(b) as being anticipated by Patent No. '941.

Amended independent Claims 1-7 of the instant application are not anticipated by '941, because '941 does not teach or disclose the rolling rollers of the first rolling member move in an endless orbit. In '941, a roller is rotatable about its own axis and is reciprocated over the conveyors. Further, '941 does not disclose or teach the features of a.-c. noted in paragraph 1 above.

3. Claims 1-3 and 5-7 were rejected under § 102(b) as being anticipated by Patent No. '225.

Amended independent Claims 1-7 of the instant application are not anticipated by '225, because '225 does not teach or disclose that the speed of the rotation of the rolling rollers can be controlled independently from the speed of the movement of the rolling rollers. In '225, the planetary rollers 5 are passively rotated by the drive plate 11 when the wheel 7 is rotated by the motion ('225 Patent at Col. 4, lines 50-58). Further, '225 does not teach or disclose the features noted in b. in paragraph 1 above.

4. Claims 1-5 and 7 were rejected under § 102(b) as being anticipated by Patent No. '017.

Amended independent Claims 1-7 of the instant application are not anticipated by '017, because '017 does not teach or disclose that the speed of the rotation of the rolling rollers can be controlled independently from the speed of the movement of the rolling rollers. In '017, each roller 5 rotates about the shaft 6 by friction from the friction plate 11 ('017 Patent at Col. 3, lines 46-49). Further, '017 does not teach or disclose the features of b. noted in paragraph 1 above.

5. The Applicant asks the Examiner to reconsider the amended claims and the arguments presented and issue a Notice of Allowance.

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